

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**DEFENDANT GOOGLE LLC'S
ASSENTED-TO MOTION TO SEAL**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), (Dkt. No. 87), Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) the following materials: (i) an unredacted version of Google’s Memorandum of Law in Support of its Motion for Leave to Supplement its Non-Infringement and Invalidity Contentions; and (ii) certain exhibits to the Declaration of Asim Bhansali in Support of Google’s Motion (“Bhansali Declaration”). The exhibits to be sealed are identified below.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information,” and to designate documents as “Highly Confidential – Attorneys’ Eyes Only” after making a good-faith determination that the documents contain information that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause economic harm or significant competitive disadvantage. Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to such Protected Material bring a motion to impound. *Id.*

¶ 14.

The following exhibits to the Bhansali Declaration contain information that Google has designated as containing “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” information, specifically, information about how Google’s accused tensor processing units (TPUs) operate:

- **Exhibits 1 & 7:** Redline and “clean” versions of Google’s proposed Second Amended Responsive Contentions Regarding Non-Infringement and Invalidity.
- **Exhibits 2 & 8:** Redline and “clean” versions of Google’s proposed supplemental Amended Non-Infringement Contentions.
- **Exhibits 22 & 23:** Portions of the deposition transcripts of Andy Phelps and Norman Jouppi.

For the Memorandum of Law in Support of Google’s Motion for Leave to Supplement its Non-Infringement and Invalidity Contentions, Google is redacting quotations and/or discussions of material that has been designated as containing “Confidential” or “Highly Confidential – Attorneys’ Eyes Only information.” A redacted, public version of Google’s Memorandum of Law will be filed concurrently with this Motion to Seal.

Submission of (1) the above-identified confidential version of the Memorandum of Law and (2) the above-identified Exhibits 1-2, 7-8, and 22-23 to the Bhansali Declaration is necessary to permit the Court to fully evaluate the issues raised in Google’s Motion for Leave to Leave to Supplement its Non-Infringement and Invalidity Contentions. Google therefore brings this Motion to Impound to impound the above-identified documents.

For the foregoing reasons, Google respectfully requests that the Court permit it to file the above-identified exhibits as well as Google’s Memorandum of Law under seal. Google further requests that the documents remain impounded until further order by the Court, and that upon

expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: August 24, 2022

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Nathan R. Speed, counsel for Defendant Google LLC, hereby certify that counsel for Google conferred with Plaintiff's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Plaintiff's counsel indicated that it does not oppose the relief requested in this Motion.

/s/ Nathan R. Speed

Nathan R. Speed

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed